

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

BYRON A. JONES, III,

Petitioner,

v.

Case No. 8:23-cv-291-WFJ-AAS

**SECRETARY, DEPARTMENT
OF CORRECTIONS,**

Respondent.

_____ /

ORDER

This matter comes before the Court on Byron Jones’ Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Upon careful review of the record, the Court finds that Mr. Jones is entitled to discovery and an evidentiary hearing with respect to his *Giglio v. United States*, 405 U.S. 150 (1972) claim. *See* Dkt. 1 at 28–36. Indeed, “such a hearing could enable [Mr. Jones] to prove the [P]etition’s factual allegations, which, if true, would entitle [him] to federal habeas relief” under the Antiterrorism and Effective Death Penalty Act of 1996. *Schriro v. Landrigan*, 550 U.S. 465, 474 (2007).¹

¹ Eleventh Circuit “precedent says that when a petitioner requested an evidentiary hearing at every appropriate stage in state court and was denied a hearing on the claim entirely, the petitioner has satisfied the diligence requirement for purposes of avoiding Section 2254(e)(2).” *Pope v. Sec’y for Dep’t of Corr.*, 680 F.3d 1271, 1289 (11th Cir. 2012) (collecting cases).

Both Mr. Jones and Respondent shall have ninety days to conduct discovery with the limited purpose of supplementing the factual record surrounding Mr. Jones' *Giglio* claim. The Court anticipates that this may include deposing co-defendants Vincent Gonzalez and Azalea Mendoza, as well the state prosecutors involved with said co-defendants' plea deals. While further discovery efforts may be necessary, they shall not extend to other matters raised in Mr. Jones' Petition. Approximately ten days after the ninety-day discovery period expires, which will commence upon the docketing of this Order, the Court will hold a status conference.

Accordingly, it is hereby **ORDERED** and **ADJUDGED**:

- (1) Mr. Jones is granted discovery and an evidentiary hearing as to his *Giglio* claim.
- (2) The parties have ninety days to conduct discovery.

DONE AND ORDERED at Tampa, Florida, on November 27, 2023.

/s/ William F. Jung
WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record